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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,769	03/16/2001	Robert G. Heath	PD-200077	7088

7590 08/27/2004

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EXAMINER

ODOM, CURTIS B

ART UNIT PAPER NUMBER

2634

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/810,769	Applicant(s) HEATH, ROBERT G.	
	Examiner Curtis B. Odom	Art Unit 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-33 is/are allowed.
- 6) ☒ Claim(s) 11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) 1-10, 12 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 2 (see page 2 of V.42 bis) should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-10 are objected to because of the following informalities: In claim 1, the phrase "data compression and decompression" is suggested to be changed to "data compression and decompression mode". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by CCITT V. 42 bis “Data Communication Over the Telephone Network”.

Regarding claim 11, the CCITT V. 42 bis discloses a data compression system for compressing and decompressing data transported via a communications channel, comprising:

a compression encoder (page 9, section 7.1-page 12, section 7.9) allowing the data to be transmitted in a compressed mode through the communications channel; and

a decoder (page 12, section 8) allowing the data to be reconstructed after being sent through the communications channel in the compression mode, wherein the encoder and the decoder are selectively operable in any of a compression mode (pages 9-12, sections 7 and 8) wherein the data is compressed before it is sent through the communication channel, a transparent mode (pages 9-12, sections 7 and 8) wherein the data is not compressed before transmission via the communication channel, and a parameter mode (page 4, 5, and 14, section 5 XID negotiation procedure) wherein negotiation of data compression parameters can occur.

Regarding claim 13, which inherits the limitations of claim 11, the V.42 bis discloses the negotiation of data compression parameters occurs in the absence of tearing down and re-establishing the communication channel (page 4, 5, and 14, section 5 XID negotiation procedure), wherein the XID negotiation procedure takes place prior to the establishment of the communication channel.

Regarding claim 14, which inherits the limitations of claim 13, the V.42 bis discloses the parameter negotiation determines whether the data is transmitted in a transmit direction, a receive direction, in both transmit and receive directions, or in neither direction (pages 5 and 14).

Regarding claim 15, which inherits the limitations of claim 13, the V. 42 bis discloses the parameter negotiation comprises a selected dictionary size for the transmit and receive directions (page 13, P₁).

Regarding claim 16, which inherits the limitations of claim 13, the V. 42 bis discloses the parameter negotiation comprises a proposed maximum string length for the transmit and receive directions (page 13, N₇).

Allowable Subject Matter

5. Claims 1-10 are allowable over prior art (if above objections are overcome) because related references do not disclose not modifying an escape character during transparent mode of a data compression operation. According to the previous standard by which prior art references abide, the escape character was modified in transparent mode of a data compression operation.

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Claims 21-33 are allowable over prior art because related references do not disclose negotiating data parameters in a data compression system which involves switching from a transparent mode of operation to a parameter mode of operation, negotiation data compression parameters, and then switching from the parameter mode back to the transparent mode.

6. Claims 12 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cooklev (U. S. Patent No. 6, 289, 130) discloses an algorithm to determine when to switch between a compressed mode and transparent mode of operation in a data compression system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 703-305-4097. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Curtis Odom
August 20, 2004



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800